

#### **IC 14-25.5-4**

##### **Chapter 4. Penalties**

#### **IC 14-25.5-4-1**

##### **Revocation of permit; causes**

Sec. 1. The department may revoke a permit issued under an article to which this article applies if the department finds any of the following:

- (1) The permit was issued through fraud or misrepresentation.
- (2) The person to whom the permit was issued has violated an article to which this article applies or has violated a rule adopted under an article to which this article applies.
- (3) The information or conditions upon which a permit was issued have substantially changed since the permit was issued.
- (4) The person to whom the permit was issued has received a notice of violation under this article and has failed to do at least one (1) of the following:
  - (A) Mitigate the violation within the time limit set forth within the notice.
  - (B) Secure from the division in writing an extension of time within which to mitigate the violation before the expiration of the time established for mitigation.
  - (C) Request a proceeding under IC 4-21.5-3-6 within:
    - (i) thirty (30) days after receipt of the notice; or
    - (ii) the time provided by the division for mitigation; whichever is longer.

*As added by P.L.145-2002, SEC.3.*

#### **IC 14-25.5-4-2**

##### **Revoked permit; mitigation of violation**

Sec. 2. (a) If a permit is revoked under this chapter, the department may do either or both of the following:

- (1) Order the person to mitigate the violation.
  - (2) Mitigate the violation.
- (b) The revocation of a permit under this chapter does not relieve the person to whom the permit relates of the responsibilities imposed by this article.
- (c) If the department elects to mitigate under subsection (a)(2), the person to whom the permit relates remains liable for the costs of mitigating the violation.

*As added by P.L.145-2002, SEC.3.*

#### **IC 14-25.5-4-3**

##### **Civil penalties**

Sec. 3. (a) The department may assess a civil penalty of not more than ten thousand dollars (\$10,000) for a violation of an article to which this article applies or a violation of a rule adopted under an article to which this article applies.

(b) Each day during which a violation continues may be considered a separate violation for purposes of assessing a civil

penalty.

(c) The department may bring a civil action under section 5 of this chapter to recover a penalty under this section and to enjoin a person from continuing a violation.

*As added by P.L.145-2002, SEC.3.*

#### **IC 14-25.5-4-4**

##### **Applicability of adjudicative proceedings to civil penalties**

Sec. 4. A civil penalty assessed under section 3 of this chapter is subject to IC 4-21.5-3-6 and becomes effective without a proceeding under IC 4-21.5-3 unless a person requests an administrative review within thirty (30) days after receipt of the notice of assessment.

*As added by P.L.145-2002, SEC.3.*

#### **IC 14-25.5-4-5**

##### **Actions by attorney general**

Sec. 5. The division director may request the attorney general to institute an action in an appropriate court for the following:

- (1) The recovery of civil penalties owed under this chapter.
- (2) To restrain a person from commencing to violate or continuing to violate any of the following:
  - (A) An article to which this article applies or a rule adopted under an article to which this article applies.
  - (B) An order of the department.

*As added by P.L.145-2002, SEC.3.*

#### **IC 14-25.5-4-6**

##### **Violation as Class B infraction**

Sec. 6. Except as provided in IC 14-26-7-8, IC 14-27-6-52, IC 14-29-1-3, IC 14-29-7-25, and IC 14-29-8-5, a person who knowingly violates an article enforced under this article commits a Class B infraction. Each day a violation occurs is a separate infraction.

*As added by P.L.145-2002, SEC.3. Amended by P.L.71-2004, SEC.3.*